



State of Connecticut
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DEPUTY SPEAKER OF THE HOUSE

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HUMAN SERVICES COMMITTEE
LEGISLATIVE MANAGEMENT COMMITTEE
PUBLIC SAFETY AND SECURITY COMMITTEE

February 8, 2011

Select Committee on Children
Testimony for HB-5503
An Act Concerning the Priority of Grandparents in Child Custody Cases

To the Distinguished Co-Chairs and Members:

I thank you for your consideration of House Bill 5503, and for allowing me to speak to its merits. The intent of this legislation is twofold.

First, this bill ensures that a child's custody rights are decided by the courts instead of the Department of Children and Families. Public Act 09-185, an excerpt of which is attached, carried this legislative intent. However it has been the prerogative of DCF to make custody recommendations to the court when more than one relative is available. This has a binding effect on the court's independent determination of custody.

This bill would also prioritize grandparents as the preferred agency-assigned temporary relative guardian. The language of Public Act 09-185 was open for interpretation by the agency however, which then gave equal consideration to all potential relative guardians. The legislative intent was to weight grandparents more substantially if they were deemed appropriate and suitable.

Taken together these two measures will clarify this guideline, helping ensure that children are placed with the right guardians by the right authorities. Thank you for your consideration.

Sincerely,

Rep. Linda Orange
Deputy Speaker of the House

Sec. 5. Section 45a-617 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2009):

When appointing a guardian or coguardians of the person of a minor, the court shall take into consideration the following factors: (1) The ability of the prospective guardian or coguardians to meet, on a continuing day to day basis, the physical, emotional, moral and educational needs of the minor; (2) the minor's wishes, if he or she is over the age of twelve or is of sufficient maturity and capable of forming an intelligent preference; (3) the existence or nonexistence of an established relationship between the minor and the prospective guardian or coguardians; and (4) the best interests of the child. There shall be a rebuttable presumption that appointment of a grandparent or other relative related by blood or marriage as a guardian is in the best interests of the minor child.

Sec. 9. (NEW) (Effective July 1, 2009) Immediately upon the removal of a child from the custody of the child's parent or guardian pursuant to subsection (e) of section 17a-101g of the general statutes or section 46b-129 of the general statutes, as amended by this act, the Commissioner of Children and Families shall exercise due diligence to identify all adult grandparents and other adult relatives of the child, including any adult relatives suggested by the parents, subject to exceptions due to family or domestic violence. Not later than thirty days after the removal, the commissioner shall provide such grandparents and other relatives with notice that (1) the child has been or is being removed from the custody of the child's parent or guardian; (2) explains the options that the relative has under federal, state and local law to participate in the care and placement of the child, including any options that may be lost by failing to respond to the notice; (3) describes the requirements (A) to obtain a foster care license pursuant to section 17a-114 of the general statutes, and (B) for additional services and supports that are available for children placed in such a home; and (4) describes the subsidized guardianship program under section 17a-126 of the general statutes, as amended by this act, including (A) eligibility requirements, (B) the process for applying to the program, and (C) financial assistance available under the program.